


Below is an order of the court.


PETER C. MCKITTRICK
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In Re:

PETER SZANTO,

Debtor.

Bankruptcy Case
No. 16-33185-pcm7

PETER SZANTO,

Plaintiff,

v.

EVYE SZANTO, VICTOR SZANTO, NICOLE
SZANTO, KIMBERLEY SZANTO, MARIETTE
SZANTO, ANTHONY SZANTO, AUSTIN
BELL, JOHN BARLOW, and BARBARA
SZANTO ALEXANDER,

Defendants.

Adv. Proc. No. 16-3114-pcm

ORDER RESOLVING DEFENDANTS' MOTION
TO POSTPONE TRIAL (DOC. 434),
SETTING TRIAL AND BRIEFING
SCHEDULE

On January 8, 2019, defendants filed their Motion to Postpone Trial ("Motion") (doc. 434). In their motion, defendants request a 30-day set-over of the trial currently scheduled to begin on March 26, 2019. In defendants' certification of conferral, defendants reported that plaintiff did not object to a set-over of the trial but requested a six-week set-over. Defendants' request was based, in part, on the briefing

1 demands presented by the appeals related to the above-captioned case
2 currently pending in District Court.

3 As a general rule, the appeals pending in District Court related to
4 the above-captioned case do not stay the progression of the case in this
5 court. However, considering the substantial briefing demands faced by
6 both parties, and in the interest of justice and good cause appearing
7 therefor,

8 IT IS HEREBY ORDERED that:

9 1. The trial will be rescheduled to take place August 26, 27 and
10 28, 2019 at 9:00 a.m. in United States Bankruptcy Court, District of
11 Oregon, Courtroom No. 1, located at 1050 SW 6th Avenue #700, Portland, OR
12 97204.

13 2. The Final Pretrial Conference will be held on August 20, 2019
14 at 1:30 p.m. in United States Bankruptcy Court, District of Oregon,
15 Courtroom No. 1, located at 1050 SW 6th Avenue #700, Portland, OR 97204.

16 3. No later than July 26, 2019, the parties shall exchange and
17 deliver to the court (but not electronically file) three copies of all
18 exhibits they intend to introduce in connection with the Final Hearing,
19 except impeachment exhibits. Creditor and the Trustee shall also file
20 with the Court a copy of their exhibit lists. The exhibits must be
21 marked and paginated in compliance with LBR 9017-1(b). In addition,
22 exhibits in excess of 10 should be tabbed and presented in a three-ring
23 binder. Except for good cause shown, no exhibits will be received in
24 evidence at the Final Hearing unless presented in accordance with this
25 order.
26

1 4. Any objections to exhibits based on lack of foundation or
2 authenticity must be filed no later than August 9, 2019. The court will
3 rule on any evidentiary objections at the Final Pretrial Conference.

4 5. No later than July 26, 2019, the parties shall exchange and
5 file with the court a list of any witnesses they intend to have testify
6 at the final hearing. Any witness whose name is not included on a
7 party's witness list will not be allowed to testify, except for good
8 cause shown or solely for the purpose of impeachment.

9 6. Defendants should consolidate their submissions and should not
10 each file individual submissions.

11 7. This amended scheduling order shall not be modified except
12 upon a showing of good cause and leave by the court. Any request for
13 any modification of this order must be by written motion supported by an
14 affidavit stating sufficient facts demonstrating good cause, appropriate
15 use of prior time and that the extension/continuance was requested at
16 the earliest possible time, and no later than three business days before
17 the date for which the extension is sought. The affidavit or
18 declaration supporting any motion to modify this amended scheduling
19 order shall authenticate and include exhibits or documents supporting
20 the factual contentions to the extent such documents or exhibits exist.
21 Any motion not timely filed or adequately supported by evidence may be
22 denied without hearing.

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24 Cc: Mr. Henderson
25 Mr. Szanto
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